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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER VU, KIEU D	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/732,294

Applicant(s)

KIMMO ET AL.

Examiner

Kieu D. Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-35, 40 and 41 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 20-35 and 40-41 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Office action is responsive to the Request for Continued Examination (RCE) filed under 37 CFR §1.53(d) for the instant application on 01/11/06. Applicants have properly set forth the RCE, which has been entered into the application, and an examination on the merits follows herewith.

2. Claims 20-35 and 40-41 are pending.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claim 41 is rejected under 35 U.S.C. 101 because "A carrier wave embodying a computer data signal" as claimed is an intangible embodiment. As such, the claim does not produce a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. See *State Street*, 149 F.3d at 1374-75, 47 USPQ2d at 1602 (Fed. Cir. 1998) (MPEP 2106)

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 35 and 40-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 35 and 40 recite the limitation "A computer program product embodied on a computer readable medium". However, this feature is not found in the specification.

Claim 41 recites the limitation "A carrier wave embodying a computer data signal representing a data structure for arranging a display of information when provided for parsing in a portable apparatus". However, this feature is not found in the specification.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 40 recites the limitation "the remote source". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 20-24, 27-32, 34-35, and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Edwards et al ("Edwards", Pub. No. US 2002/0032699)

Regarding claim 20, Edwards teaches a portable telecommunication apparatus (mobile phone in [0018], [0185], or [0190]) for requesting the download of pages of information from a remote source comprising means for receiving the pages of information including encoded information identifying links to other pages (displayed pages include embedded links to other pages, [0017] [0018] and [0061]);

a display for displaying the received pages (screen displaying WWW pages and information) ([0054]) (see display in Fig. 2) and for displaying a first caption indicative of a first linked page ("News" in Fig. 2), a second caption indicative of a second linked page respectively ("Health" in Fig. 2) on the display in positions corresponding to the location of a first fixed location input key (1 in Fig. 3, [0071]-[0074]) and a second fixed location input key (2 in Fig. 3, [0071]-[0074]) (label 220 provides descriptive text for the link, label 220 is displayed in the bottom of the screen, [0061], [0226])

a processor for forming said first caption and said second caption from the encoded information identifying the linked other pages and for consistently associating the first fixed location input key and the second fixed location input key with the encoded information identifying the first linked page and the second link page,

respectively during a display period such that actuation of the first fixed location input key during the display period requests the first linked page for download from the remote source ([0024]) and actuation of the second fixed location input key during the display period requests the second linked page for download from the remote source ([0024], [0071]-[0074]) .

Regarding claim 21, Edwards teaches comprising respective fixed location input keys and wherein the processor associates each fixed location Input key with the encoded information identifying a linked page ([0024]).

Regarding claim 22, Edwards teaches the display period is the duration of the display of the received page ([0054]).

Regarding claim 23, Edwards teaches the fixed location input key is a dedicated key (four colored buttons 330) ([0074]).

Regarding claim 24, Edwards teaches the dedicated key is one of a group of alphanumeric keys provided for dialing ([0074]).

Regarding claim 27, Edwards teaches the remote source is a computer capable of connection to the World Wide Web (WWW) (Fig. 1 and Fig. 4)

Regarding claim 28, Edwards teaches the apparatus comprises a markup language decoder (Fig. 6) ([0037]).

Regarding claim 29, Edwards teaches the association between the fixed location input key and the link is achieved by means of a particular tag in the page of information ([0115] and [0125]).

Regarding claim 30, Edwards teaches the apparatus is mountable in a vehicle ([0029]).

Regarding claim 31, Edwards teaches the apparatus is a portable wireless telecommunication apparatus (mobile phone in [0018], [0185], or [0190]).

Regarding claims 32 and 35, Edwards teaches a method and computer program code ([0045]) for requesting the download of respective pages of received information from a remote source in a portable apparatus (mobile phone for downloading pages in [0018], [0185], or [0190], Fig. 1 and 4), which comprises at least a first fixed location input key and a second fixed location input key (see Fig. 3) comprising:

receiving in the portable apparatus a first page of information (see Fig. 2 for first page of information) including encoded information identifying at least a first link to a ("News") and a second link ("Health") to other pages (the first page displayed in Fig. 2, also see [0017] and [0018]), the first link and second links comprising visual elements ("News" and "Health" in Fig. 2) indicative of the links and location elements (address links of the "News" page and "Health" page) to be used for downloading the other pages ([0017], [0018], and [0049] – [0061];

assigning the first link and the second link from the encoded information to the first and second fixed location input keys, respectively ([0071]-[0074]);

separating the visual and location elements for the at least first and second assigned links (display the visual elements on the screen in Fig. 2);

displaying on the display of said portable apparatus said first page of information and the visual elements for the first and second assigned links, said visual elements

being displayed on the display in positions corresponding to the location of the first fixed location input key, (1 in Fig. 3, [0071]-[0074]) and the second fixed location input key, respectively (2 in Fig. 3, [0071]-[0074]) (label 220 provides descriptive text for the link, label 220 is displayed in the bottom of the screen, [0061], [0226]) (see Fig. 2)

a user actuating at least one of the first and the second fixed location input keys during a display period, determining the link assigned to the actuated fixed location input key and downloading the second page based on the location element comprised in the determined link ([0024] [0071]-[0074]).

Regarding claims 34 and 40, Edwards teaches the remote source is a computer capable of connection to the World Wide Web (WWW) (Fig. 1 and Fig. 4)

Regarding claim 41, Edwards teaches a structure for specifying a hyperlink comprised on a hypertext page (displayed page includes embedded links to other page, [0023]-[0024], the structure comprising:

an input key element for specifying a specific fixed location input key on a portable apparatus (in a mobile phone, the button set is on the mobile apparatus) ([0185], [0190])[0024]);

a visual element for displaying on the display of the portable apparatus in a position corresponding to a location of the respective fixed location input key on the portable apparatus (see Fig. 2); and

a location element for identifying the second hypertext page ([0071]-[00734]);

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 25-26, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards et al ("Edwards", Pub. No. US 2002/0032699) and Grant (USP 5854624)

Regarding claim 25, Edwards does not teach the input key is a touch-sensitive area of the display. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that input key is a touch-sensitive area (col 4, lines 33-35). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network browser taught by Edwards to include the teaching that the input key is a touch-sensitive area taught by Grant with the motivation being to construct input key in another from (Grant, col 1, lines 33-35).

Regarding claim 26, Edwards does not teach that the caption is provided immediately above the fixed locution input key. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that text describing functionality of each key is provided immediately above the input key (see Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network

browser taught by Edwards to include providing text describing functionality of each key immediately above the input key area taught by Grant so that the user can quickly and correctly choose which input key to select in order to view the desired page.

Regarding claim 33, Edwards does not teach that the visual element is provided above the associated fixed location input key. However, such feature is known in the art as taught by Grant. Grant teaches a pocked-sized user interface for Internet browser terminals (col 1, lines 7-12). Grant further teaches that text describing functionality of each key is provided above the associated input key (see Fig. 5). It would have been obvious to one of ordinary skill in the art, having the teaching of and Edwards and Grant before him at the time the invention was made, to modify the interface for network browser taught by Edwards to include providing text describing functionality of each key above the associated input key area taught by Grant so that the user can quickly and correctly choose which input key to select in order to view the desired page.

13. Applicant's arguments filed 01/11/06 have been fully considered but they are not persuasive.

In response to Applicant's argument that "Grant fails to teach how the programming performed....all these buttons are predefined and pre-programmed", it is noted that Edwards teaches how the programming is performed in the dynamic interface [0071]-[0074].

In response to Applicant's argument that "Edwards and Grant, either alone or in combination, fail to disclose or suggest" (last paragraph of page 7), Applicant's attention is directed to the rejections of claims 20, 32, and 35 above.

In response to Applicant's argument that "Edwards does not teach any spatial correspondence between the fixed location input keys and the descriptive texts, that is captions for the links", it is noted that in Edwards, Fig. 2, Footer 210 displays "News", "Health", and "Local Information" which correspond to key 1, 2, and 3 of Fig. 3.

In response to Applicant's argument that "Grant does not disclose displaying two captions indicative together with the received pages....", it is noted that Edwards teaches this feature in Fig. 2.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

and / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Art Unit: 2173

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



KIEU D. VU
PRIMARY EXAMINER